

May 11, 2010

MINUTES OF THE CITY COUNCIL MEETING HELD MAY 11, 2010

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 11, 2010, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
N. Gregory Cuffey, Vice Mayor
Christina J. Luman-Bailey, Councilor
Kenneth B. Emerson, Councilor
Gerald S. Stokes, Councilor
K. Wayne Walton, Councilor

Edwin C. Daley, City Manager
Thomas E. Lacheney, City Attorney
Ann M. Romano, City Clerk

Mayor Pelham opened the meeting at 6:30 PM. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Cuffey	-	present
Councilor Bailey	-	present
Councilor Harris	-	ABSENT (out of town)
Councilor Emerson	-	present
Councilor Stokes	-	present
Councilor Walton	-	present

CLOSED SESSION

Motion was made by Councilor Stokes, and seconded by Councilor Bailey, to convene into Closed Session to discuss Legal Matters, Economic Development, Personnel, and, Appointments to Boards & Commissions, in accordance with Virginia Code Sec. 2.2-3711 (A)(1) (3) and (7). Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

OPEN SESSION

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

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REGULAR MEETING

Mayor Pelham opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

Prayer was offered by Mr. Herbert Bragg, PAC, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to approve the Consent Agenda: Minutes: City Council Work Session 3/30/10, and Regular Meeting 4/13/10; Pending List; Information for Council Review: Recreation Commission minutes 2/10/10 & agenda 4/14/10; HRHA 4/12/10 meeting cancelation & Notice of Special Meeting 3/29/10; School Board minutes 3/11/10, 3/25/10; TSB minutes 2/2/10 & agenda 4/20/10; HRWTF Min 1/25/10, and agenda 4/26/10; Friends of Hopewell 2/22/10 & 3/22/10; District 19 CSB min 3/25/10; Personnel Change Report & Financial Report; Public Hearings Announcements: Set Public Hearings for Special Meeting & Work Session, May 25, 2010: City Budget; School Budget; CDBG Budget; Routine Approval of Work Sessions: May 25, 2010; Ordinances on second and final reading: Ord. No. 2010-05-Permit Fees; Ord. No. 2010-07–Article IX (B-1); Ord. No. 2010-08-Article X (B-2); Ord. No. 2010-09-Article XI (B-3); and Ord. No. 2010-10-Article XI-A (B-4); Routine Grant Approval: None. Proclamations/Resolutions/ Presentations: Peace Officers Memorial Day and National Police Week; Senior Citizens Hall of Fame; National Safe Boating Week May 22-28, 2010. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

Ordinance No. 2010-05

An ordinance to approve and authorize adjustments to permit fees for building, electrical, plumbing, and mechanical permits to conform to permit fees being charged by surrounding jurisdictions.

WHEREAS, in order for the City's permit fees to be comparable with surrounding jurisdictions the City of Hopewell Bureau of Fire Division of Code Enforcement recommends adjusting permit fees for building, electrical, plumbing, and mechanical permits; and

WHEREAS, in order to conform to permit fees charged by surrounding jurisdictions, the City of Hopewell Bureau of Fire Division of Code Enforcement recommends charging by square footage of the building for residential structures rather than by cost of labor and materials; and

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WHEREAS, to better serve the public and to conform to surrounding jurisdictions, the City of Hopewell Bureau of Fire Division of Code Enforcement recommends the following permit fees: Building Permit – Base Fee: \$25.00 (RESIDENTIAL) plus \$0.22 per square foot, plus current State Surcharge; \$75.00 (COMMERCIAL) plus 1% of labor and materials, plus current State Surcharge; Electrical Permit – Base Fee: \$25.00 (RESIDENTIAL) plus \$0.04 per square foot, plus current State Surcharge; \$75.00 (COMMERCIAL) plus 1% of labor and materials, plus current State Surcharge; Plumbing Permit - Base Fee: \$25.00 (RESIDENTIAL) plus \$0.04 per square foot, plus current State Surcharge; \$75.00 (COMMERCIAL) plus 1% of labor and materials, plus current State Surcharge; and Mechanical Permit - Base Fee: \$25.00 (RESIDENTIAL) plus \$0.04 per square foot, plus current State Surcharge; \$75.00 (COMMERCIAL) plus 1% of labor and materials, plus current State Surcharge.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the above permit fees for building, electrical, plumbing, and mechanical permits be approved and authorized.

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Ordinance No. 2010 – 07

An Ordinance repealing Article IX, Central Business District, and Article IX-A, Downtown Revitalization Area Overlay District, and enacting Article IX, Downtown Central Business District (B-1), of the Zoning Ordinance of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article IX, Central Business District, and Article IX-A, Downtown Revitalization Area Overlay District, of the Zoning Ordinance of the City of Hopewell, inclusive, be and hereby are, repealed, and that Article IX, Downtown Central Business District (B-1), of the Zoning Ordinance of the City of Hopewell, Virginia, as amended, be enacted as follows:

Article IX Downtown Central Business District B-1

STATEMENT OF INTENT

The district is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. The district is intended to be a predominantly pedestrian area with shops and storefronts close to the road, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained with the preservation of historic structures and the replication of historic styles in additions and expansions. The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, newspaper offices and restaurants.

A. USE REGULATIONS

Structures to be erected and land to be used shall be only for the following uses:

1. Accounting Services.
2. Advertising and Public Relations Agencies.
3. Antiques.
4. Apartments on the first floor of mixed-use buildings with a Conditional Use Permit.
5. Apartments on second and subsequent floors of commercial and office buildings/uses provided that each unit contain a minimum of nine hundred (900) gross square feet.
6. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below nine hundred (900) gross square feet, with a Conditional Use Permit.

7. Appliance Stores.
8. Architectural and Engineering Services.
9. Art Galleries, Framing and Supplies.
10. Bakeries.
11. Barber and Beauty Shops.
12. Bed and Breakfast Establishments.
13. Bookstores, except Adult bookstores.
14. Camera and Photo Supply Stores.
15. Casual and Formal Apparel Stores.
16. Child Care Services.
17. Churches.
18. Coffee Shops.
19. Commercial Banks and Financial Institutions, not to include check cashing establishments.
20. Computer Sales and Service.
21. Convenience Store.
22. Credit Unions.
23. Dance Studios.
24. Delicatessen.
25. Dry Cleaners.
26. Florist.
27. Gift, Stationary, and Card Shops.
28. Grocery Store.
29. Home Decorating Center and Interior Design Services.
30. Home Health Care Services.
31. Hotels.
32. Individual and Family Consulting Services.
33. Insurance Agencies.
34. Jewelry Stores.
35. Law Offices.
36. Marinas, Public or Private.
37. Medical and Dental Offices.
38. Motion pictures theaters, excluding drive-in theaters
39. Multi-family dwellings.
40. Municipal and Government Agencies and Offices.
41. Municipal and Private Utilities.
42. Museums.
43. Music Stores.
44. Off-street parking is not required in this district.
45. Parking Decks and Garages, Public.
46. Performing Arts Center.
47. Pet Shops.
48. Pharmacy.
49. Philanthropic and charitable institutions.
50. Photographic Studios.
51. Post Office
52. Print Shops.
53. Public Libraries.
54. Real Estate Agencies.
55. Recreation and Fitness Centers.
56. Restaurants.
57. Security brokers and dealers.
58. Sporting goods.
59. Tailor Shops.

60. Tanning Salons.
61. Tax preparation services.
62. Title Abstract and Insurance Offices.
63. Townhouses.
64. Toys, Games, and Crafts.
65. Upholstery shops.
66. Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:

1. Multi-family uses - For permitted multi-family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
2. Group housing for the elderly and handicapped - For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
3. Business uses - None.

C. LOT WIDTH REGULATIONS:

None.

D. SETBACK REGULATIONS:

None.

E. YARD REGULATIONS:

1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
2. Rear: None, except when a use is abutting a residential district, there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

1. Buildings may be erected up to one hundred twenty five (125) feet from grade, except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna, radio aerials, and equipment penthouses are exempt from the provisions of this section.

G. REQUIREMENTS FOR PERMITTED USES:

Before a building permit shall be issued or construction commenced on any permitted use in the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

H. ARCHITECTURAL TREATMENT – REHABILITATION:

- a. The rehabilitation of any existing structure within the National Register Historic Downtown District shall comply with the Secretary of Interior's Standards for Rehabilitation, except to the extent specific deviations from such standards are expressly approved by the Downtown Design Review Committee (the "Review Committee") established under Article IX, M hereafter.
- b. The rehabilitation of any existing structure within the district that is not located within the National Register Historic Downtown District shall comply with Section I below.

I. ARCHITECTURAL TREATMENT – NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:

The following guidelines shall be considered by the Review Committee in approving or denying any application for a Certificate of Appropriateness or a building permit in addition to the criteria set forth in Article IX, O hereafter and the guidelines set forth in the Downtown Master Plan adopted by City Council on January 14, 2003.

1. New development shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the Downtown. The intent of this is to insure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials found within the downtown and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan.
2. No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. No portion of a building constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
3. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety, but shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan.
4. Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the Review Committee. At locations where the existing buildings do not conform, the Review Committee may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

J. SIGNAGE:

1. Sign Placement.
 - a. Signs shall be placed so that they do not obstruct architectural elements and details that define the design of the building, and the signage of adjacent businesses.
 - b. Flat wall signs shall be located either above the storefront, within the frieze of the cornice, on covered transoms, or on the pier that frames display windows or generally on flat, unadorned surfaces of the façade or in other areas clearly suitable as sign locations.
 - c. Projecting signs shall be located at least ten (10) feet above the sidewalk, project no more than three (3) feet from the façade of the building, and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than ten (10) feet below such cornice line to the sidewalk.
 - d. Window signs, both interior and exterior, shall be located approximately five and one-half (5 ½) feet above the sidewalk at the center point of the window and the window sign for good pedestrian visibility, except that such signs may be located eighteen (18) inches from the top or bottom of the display window glass.

- e. Window signs may be placed on the glazing of doors and on upper floor windows for separate building tenants.
- f. Awning and canopy signs shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1 ½) inches. The average height of lettering and symbols shall be no more than nine (9) inches.
- g. Freestanding signs shall not be permitted in this district.
- h. Roof signs shall not be permitted in this district.

2. Sign Size.

- a. All combined building signage shall not exceed fifty (50) square feet.
- b. Flat wall signs shall not exceed eighteen (18) inches in height and shall not extend more than six (6) inches from the building façade.
- c. Projecting signs shall be a maximum of six (6) square feet per sign face.
- d. The average height of letters and symbols shall be no more than twelve (12) inches on wall signs, nine (9) inches on awning and canopy signs, and six (6) inches on window signs.
- e. Window signs shall not obscure more than twenty percent (20%) of the window glass.

3. Quantity of Permanent Signs.

The number of signs permitted for any building shall be limited as follows to encourage compatibility with the building and discourage visual clutter.

- a. Signs shall be limited to two (2) total per building and each shall be of a different type. No building shall have more than one (1) wall sign on any street frontage.
- b. Small directory signs may be located near entries or inside a common lobby area.

4. Sign Design and Shape.

- a. All signs shall be readable and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan.
- b. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building.

5. Materials.

- a. Signs shall be made only of traditional sign materials such as wood, glass, gold leaf, raised individual metal or painted wood letters, or painted letters on wood, metal, or glass.
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall be painted or have flat decal letters and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

6. Color.

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where

complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the Review Committee.

7. Illumination.

Signs shall be indirectly lit with a shielded incandescent light source. Internally lit plastic molded signs shall not be permitted in the district.

8. Buildings with Multiple Tenants.

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants shall be identified at each primary entrance by a flat, wall-mounted directory sign.

9. Other Signs.

Wall murals shall be compatible with the district character and subject to approval of the Review Committee.

K. AWNINGS AND CANOPIES:

1. Types.

- a. Standard Slope Fabric Awnings may be used on most historic buildings and may be either fixed or retractable.
- b. Boxed or Curved Fabric Awnings may be used on non-historical buildings.

2. Design and Placement.

- a. Awnings shall be placed within the storefront, porch, door or window openings so as to not obscure architectural elements of the building or damage the building façade.
- b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees or other streetscape features.
- c. Awnings shall be shaped to fit the opening in which they are installed.
- d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
- e. Plastic or Aluminum Awnings shall not be permitted in the district.
- f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors, wide and narrow stripes may be used if compatible with building colors.

L. CERTIFICATION OF APPROPRIATENESS, GENERALLY:

1. No building or structure within the district shall be erected, reconstructed, altered, improved or restored unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the Local, State or Federal government shall be demolished or removed, in whole or in part, unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
3. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Review Committee.

4. Application for a Certificate of Appropriateness required by the Article shall be made to the Director of Development or his designee.

M. DOWNTOWN DESIGN REVIEW COMMITTEE:

1. A review committee is hereby established and shall be known as the Downtown Design Review Committee, hereafter referred to as the "Review Committee." The Review Committee shall consist of five (5) voting members who shall be appointed by City Council to serve staggered terms. All members shall reside in the City of Hopewell, and at least one (1) shall be a downtown property owner, one (1) shall be a downtown business owner, and the remaining three (3) members shall have knowledge of, and demonstrated interest in the historic character of the City, and knowledge or expertise deemed useful to the work of the Review Committee. These members may include, but not limited to, a licensed contractor, a real estate broker, or architect. City Council, at its own discretion, may appoint members that do not reside in the City of Hopewell if they deem it appropriate. The members shall serve a term of four (4) years each except that the original appointments shall be made as follows: one (1) member shall be appointed for a one (1) year term; two (2) members shall be appointed for a two (2) year term; and two (2) members shall be appointed to four (4) year terms. The City Planner shall serve as an advisory member of the Review Committee and shall have no vote. No member of the Review Committee shall serve more than two consecutive four (4) year terms. A member may be re-appointed to additional terms after being out of office for at least one four (4) year term.
2. The Review Committee shall elect from its own membership a chairman and a vice chairman who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the Review Committee. All members of the Review Committee, except for advisory members, shall be entitled to vote, and the decisions of the Review Committee shall be determined by a majority vote. A quorum of three (3) voting members shall be required to be present for official business to be conducted at any meeting and for any action to be taken. The Review Committee shall meet monthly after notification by the Director of Development of an application for a Certificate of Appropriateness or permit requiring action by the Review Committee. The Review Committee shall take action on any matter properly before it no later than sixty (60) days after its first meeting to discuss such matter, unless the time is extended with the written consent of the applicant. The Review Committee shall not reconsider any decision made by it, or entertain any application or request that it deems to be substantially similar to an application or request that has previously been denied, for a period of one (1) year from the date of denial, except in cases where an applicant resubmits his application amended as provided in this Article within ninety (90) days after the date of denial of the initial application.
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the Review Committee shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the Review Committee.
5. In the case of disapproval or denial of an application for the demolition of a building in the district, the Review Committee shall state specifically its reasons for such disapproval or denial in writing.
6. The Review Committee, when requested for a building permit in the district, shall inform the applicant of any changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas as a condition of issuing such permit.
7. In matters governing the procedure for meetings not covered by this Article, the Review Committee may establish its own rules and procedures; provided they are not contrary to the content and intent of this Article.

N. NOTICE OF PUBLIC HEARING:

No application for a Certificate of Appropriateness to demolish a building that exists in the district shall be considered by the Review Committee until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

O. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the district, the Review Committee shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a Certificate of Appropriateness is issued for the demolition of a building or structure which exists in the district, the Review Committee shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
 - b. Is the building of such interest or significance that it could be made into a national, state or local historic landmark?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
 - d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
3. The Review Committee shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

P. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the Review Committee of any erection, reconstruction, alteration, restoration or demolition, a Certificate of Appropriateness, signed by the committee chairman and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

Q. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any Certificate of Appropriateness issued pursuant to this Article shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced, or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during

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which the right to use any such certificate is stayed pursuant to this Article or by a court of competent jurisdiction, shall be excluded from the computation of the twelve (12) month period.

R. APPEALS FROM DOWNTOWN DESIGN REVIEW COMMITTEE:

Any applicant aggrieved by a final decision of the Review Committee shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the Review Committee has made its decision. The filing of the petition shall stay the Review Committee's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a complaint, setting forth the alleged illegality of the action of the governing body, provided such complaint is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said complaint shall stay the decision of the governing body pending the outcome of the appeal to the court except that the filing of such complaint shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. The filing of an appeal hereunder shall not operate as a *de facto* approval of any application disapproved or denied by the Review Committee.

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Ordinance No. 2010-08

An Ordinance repealing Article X, Limited Commercial District (B-2) and re-enacting Article X, Limited Commercial District (B-2) of the Zoning Ordinance of the City of Hopewell

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that Article X, Limited Commercial District (B-2), of the Zoning Ordinance of the City of Hopewell, inclusive, be, and hereby is, repealed, and that Article X, Limited Commercial District (B-2), of the Zoning Ordinance of the City of Hopewell be enacted as follows:

**Article X
Limited Commercial District (B-2)**

STATEMENT OF INTENT

The district has been established along some of the major traveled streets within the City in order to protect the existing commercial establishments presently located there and to enhance these areas in order to attract similar types of establishments. Because of the unusual shallowness and/or narrowness of the lots in these areas, only certain commercial uses which will not cause an increase in traffic volumes will be allowed. To this end, the following requirements have been devised.

A. USE REGULATIONS

Structures to be erected and land to be used shall be only for the following uses:

1. Accounting and tax preparation offices.
2. Antique store, not to include thrift stores.
3. Apartments, on the second or subsequent floors of a commercial/office use, provided that each unit contains a minimum of six hundred (600) gross square feet.
4. Appliance sales and repair.
5. Assisted living facility.
6. Automobile and truck service establishments and rental agencies, provided that vehicles lifts and pits, dismantled and wrecked automobiles and parts and supplies be located within a building enclosed on all

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sides; and provided that all service and repair of motor vehicles be conducted in a building enclosed on all sides.

7. Bakery.
8. Barber shops and beauty parlors.
9. Bookstores, not to include Adult bookstores.
10. Building supply, with no outside storage of materials.
11. Catering and prepared foods.
12. Churches.
13. Clubs and lodges, with a Special Exception issued by the Board of Zoning Appeals.
14. Commercial banks and financial institutions, not to include check cashing or payday loan establishments.
15. Computer sales and repair services.
16. Consignment store, with a Conditional Use Permit issued by City Council.
17. Contractors' establishments and display rooms, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
18. Convenience stores, with gasoline.
19. Convenience stores, without gasoline.
20. Dance studio/school.
21. Day nurseries and child care centers.
22. Delicatessen.
23. Electronic sales and repair.
24. Fire stations and rescue squads.
25. Fitness center or gym.
26. Florist.
27. Frame shop.
28. Funeral homes.
29. Gift and card shop.
30. Grocery store.
31. Home decorating centers and interior design services.
32. Hospitals.
33. Ice cream parlor.
34. Institutions of higher learning.
35. Insurance agency.
36. Jewelry sales and repair.
37. Laundry and dry cleaning.
38. Law office.
39. Medical and dental office.
40. Municipal and private utilities.
41. Museums and art galleries.
42. Night Clubs and dance halls, with a Conditional Use Permit issued by City Council.
43. Nursing homes.
44. Off-street parking as required in Article XVIII of this ordinance.
45. Pet shops, but excluding boarding kennels.
46. Pharmacy.
47. Philanthropic and charitable institutions.
48. Printing shops.
49. Real estate agency.
50. Restaurants.
51. Restaurants, with a drive-thru window, with a Conditional Use Permit issued by City Council.
52. Schools, special.
53. Tailors and seamstress.
54. Tanning Salon.
55. Telecommunications towers or antenna for wireless transmission above the frequency of 20,000 Hertz (hz), with a Conditional Use Permit issued by City Council.

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- 56. Theaters, motion pictures theaters and assembly halls, but excluding drive in theaters.
- 57. Video Rental Stores, not to include adult video establishments.
- 58. Wholesale businesses.

B. AREA REGULATIONS:

None, except that for second story apartment units, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.

C. LOT WIDTH REGULATIONS:

None

D. SETBACK REGULATIONS:

None

E. YARD REGULATIONS:

- 1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
- 2. Rear: None, except when a use is abutting a residential district, then there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

Buildings may be erected up to forty-five (45) feet from grade, except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna radio aerials and equipment penthouses are exempt from the provisions of this Section.

G. REQUIREMENTS FOR PERMITTED USES:

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

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Ordinance No. 2010-09

An Ordinance repealing Article XI, Highway Commercial District (B-3) and re-enacting Article XI, Highway Commercial District (B-3) of the Zoning Ordinance of the City of Hopewell

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that Article XI, Highway Commercial District (B-3), of the Zoning Ordinance of the City of Hopewell, inclusive, be, and hereby is, repealed, and that Article XI, Highway Commercial District (B-3), of the Zoning Ordinance of the City of Hopewell be enacted as follows:

**Article XI
Highway Commercial District (B-3)**

STATEMENT OF INTENT

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance

factors of dust, odor, and noise associated with manufacturing. This includes such uses as retail stores, banks, business offices, drive-in restaurants and automobile sales and service facilities.

A. USE REGULATIONS

Structures to be erected and land to be used shall be for the following uses:

1. Accounting and tax preparation services.
2. Apartments, on the second and subsequent floors of commercial/office use, provided that each unit contains at least six hundred (600) gross square feet.
3. Appliance sale and repair.
4. Assisted living facility.
5. Automobile and truck sales and service establishments, and rental agencies, provided that vehicles lifts and pits, dismantled and wrecked automobiles and all parts and supplies be located within a building enclosed on all sides and provided that all service and repair of motor vehicles be conducted in a building enclosed on all sides.
6. Automotive parts stores.
7. Bakery.
8. Barber shops and beauty parlors.
9. Bookstores, except Adult bookstores.
10. Building supplies and service with storage under cover.
11. Car washes.
12. Catering and prepared foods.
13. Casual and formal wear stores.
14. Churches.
15. Cigarette, cigar and tobacco retail distributor.
16. Clubs and lodges with a Special Exception issued by the Board of Zoning Appeals.
17. Commercial banks and financial institutions, not to include check cashing or payday loan establishments.
18. Compounding, assembly or treatment of woods and cabinet making with a Special Exception issued by the Board of Zoning Appeals.
19. Contractors' establishments and display rooms, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
20. Convenience stores, with gasoline.
21. Convenience stores, without gasoline.
22. Day nurseries and care centers.
23. Delicatessen.
24. Driver's education establishment.
25. Fire stations and rescue squads.
26. Fitness center or gym.
27. Florist.
28. Funeral homes.
29. Furniture store.
30. Grocery store.
31. Hardware and feed store.
32. Hospitals.
33. Hotels and motels.
34. Ice cream parlor.
35. Institutions of higher learning.
36. Insurance agency.
37. Laundry and dry cleaning.
38. Libraries.
39. Machinery rental, sales, and service provided that service is conducted in a completely enclosed building; unless a Conditional Use Permit is issued by City Council.
40. Medical and dental offices.

41. Municipal and private utilities.
42. Museums and art galleries.
43. Newspaper office buildings, including printing and publishing facilities incidental to such uses.
44. Night clubs and dance halls.
45. Nursing homes.
46. Off-street parking as required in Article XVIII of this ordinance.
47. Office and business supply store.
48. Parking garages and parking lots.
49. Pawn shop, with a Conditional Use Permit issued by City Council.
50. Pest control and extermination services.
51. Pet shops and supplies, excluding boarding kennels.
52. Pharmacy.
53. Philanthropic and charitable institutions.
54. Plant nurseries and greenhouses.
55. Radio or television broadcasting stations, studios, or offices.
56. Repair services or businesses provided that all repairs take place within a completely enclosed building.
57. Restaurants.
58. Real Estate Agency.
59. Sports facilities, indoors.
60. Sports facilities, outdoors, with a Conditional Use Permit issued by City Council.
61. Sporting goods and hunting supply stores.
62. Schools, special.
63. Self-Service Storage Facility, with Conditional Use Permit.

The following conditions shall apply to all self-storage facilities:

- a. All operations, activities and storage shall be conducted within a completely enclosed building;
 - b. The leasing office must have a brick façade;
 - c. Commercial activities being run in and out of storage units shall be prohibited;
 - d. Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited;
 - e. Self-service storage facilities may not be located on land abutting a residential district or use;
 - f. Storage of boats, recreational vehicles, and motor vehicles shall be prohibited; and
 - g. All building façades abutting public right-of-ways shall have a brick façade.
64. Tailor and seamstress.
 65. Tattoo Parlors and Body Piercing Establishments, with a Conditional Use Permit issued by City Council.
 66. Telecommunications towers or antenna for wireless transmission above the frequency of 20,000 Hertz (hz), with a Conditional Use Permit issued by City Council.
 67. Theaters, motion picture theaters and assembly halls but excluding drive-ins.
 68. Veterinary hospitals.
 69. Video rental stores, not to include adult video establishments.
 70. Wholesale businesses.

B. AREA REGULATIONS

May 11, 2010

1. For each main building containing or intended to contain one or more permitted uses, there shall be a minimum lot area of five thousand (5,000) square feet.
2. For each apartment on the second or subsequent floors of a commercial/office use, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit. This is not in addition to the five thousand (5,000) square foot minimum lot area required above.

C. LOT WIDTH REGULATIONS

The minimum lot width for all permitted uses and uses requiring a conditional use permit shall be fifty (50) feet.

D. SETBACK REGULATIONS

Structures shall be located forty (40) feet from any street or highway or from any street or highway right-of-way; except that if there are two abutting lots with structures on each, then no building shall be set back more than the average setback of the two. This shall be known as the "setback line".

E. YARD REGULATIONS

1. Side: Each main structure shall have at least one side yard of at least ten (10) feet; except that when such use abuts a residential district, there shall be a side yard of ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty-five (25) feet.

F. HEIGHT REGULATIONS

Buildings may be erected up to forty-five (45) feet from grade except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antennae, radio aerials, and equipment penthouses are exempt from the provisions of this Section.

G. SPECIAL PROVISION FOR CORNER LOTS

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volume shall be deemed to be the front.
2. The side yard facing the side street shall be twenty (20) feet for both main buildings and trash receptacles.

H. REQUIREMENTS FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

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Ordinance No. 2010-10

An Ordinance repealing Article XI-A, Corridor Development District (B-4) and re-enacting Article XI-A, Corridor Development District (B-4) of the Zoning Ordinance of the City of Hopewell

May 11, 2010

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that Article XI-A, Corridor Development District (B-4), of the Zoning Ordinance of the City of Hopewell, inclusive, be, and hereby is, repealed, and that Article XI-A, Corridor Development District (B-4), of the Zoning Ordinance of the City of Hopewell be enacted as follows:

**Article XI-A
Corridor Development District (B-4)**

STATEMENT OF INTENT

This district is intended to provide a special district for the Woodlawn/Oaklawn Corridor area which will allow and encourage a harmonious mixing of a variety of commercial, office and professional uses and financial institutions.

A. USE REGULATIONS

Structures to be erected and land to be used shall be for the following uses:

1. Automobile and truck sales and service establishments and truck rental and agencies, provided that all vehicle lifts and pits, dismantled and wrecked automobiles, and all parts and supplies be located within a building enclosed on all sides; and provided that all service and repair of motor vehicles be conducted in a building enclosed on all sides.
2. Automotive parts stores.
3. Barber shops and beauty parlors.
4. Bookstores.
5. Car washes.
6. Casual and formal wear stores.
7. Churches.
8. Cigarette, cigar and tobacco retail distributor.
9. Commercial banks and financial institutions, not to include check cashing establishments.
10. Contractors' establishments and display rooms, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
11. Convenience stores with gasoline.
12. Convenience stores without gasoline.
13. Day nurseries and child care centers.
14. Financial and tax preparation services.
15. Fire stations and rescue squads.
16. Florist.
17. Grocery store.
18. Home furnishing store.
19. Hotels and motels.
20. Institutions of higher learning.
21. Insurance agency.
22. Laundry and dry cleaning.
23. Medical and dental offices.
24. Municipal and private utilities.
25. Night clubs and dance halls, with a Conditional Use Permit issued by City Council.
26. Off street parking.
27. Pet shops and supplies, excluding boarding kennels.
28. Pharmacy.
29. Plant nurseries and greenhouses.
30. Post Offices.
31. Printing shops.
32. Radio or television broadcasting stations, studios, or offices.

33. Real estate agency.
34. Restaurants.
35. Schools, special.
36. Service stations.
37. Shoe repair.
38. Single family dwellings, with a Conditional Use Permit issued by City Council, with all area, lot width, and setback requirements set on a case-by-case basis by Council in the permit.
39. Sports facilities, indoor.
40. Sports facilities, outdoor, with a Conditional Use Permit issued by City Council.
41. Sporting goods and hunting supplies.
42. Tailor and seamstress.
43. Tattoo parlor and body piercing establishments, with a Conditional Use Permit issued by City Council.
44. Telecommunications towers or antenna for wireless transmission above the frequency of 20,000 Hertz (hz) with a Conditional Use Permit issued by City Council.
45. Theaters, motion pictures theaters, and assembly halls, but excluding drive-ins.
46. Veterinary hospitals and animal shelters.
47. Video rental stores, not to include adult video establishments.

B. AREA REGULATIONS

1. For each building containing or intended to contain one (1) or more permitted use, there shall be a minimum lot area of twelve thousand (12,000) square feet.
2. For each apartment on the second or subsequent floors of a commercial/office use, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit. This is not in addition to the twelve thousand (12,000) square foot minimum lot area required above.
3. For multi-family uses, there shall be a minimum lot area of twelve thousand (12,000) square feet and one dwelling unit shall be permitted for each one thousand (1,000) square feet of lot area.

C. LOT WIDTH REGULATIONS

The minimum lot width for permitted uses in this district shall be one hundred (100) feet.

D. SETBACK REGULATIONS

Structures shall be located at least forty (40) feet from any street or highway right-of-way.

E. YARD REGULATIONS

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

F. HEIGHT REGULATIONS

Buildings may be erected up to seventy (70) feet from grade.

G. SUPPLEMENTAL PARKING REGULATIONS

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Off-street parking spaces shall be in conformity with the requirements for specific uses as set forth in Article XVIII, however, no off-street parking or paved travel way shall be located within ten (10) feet of a right-of-way; no off-street parking shall be permitted within ten (10) feet of the sideline.

H. SCREENING

At least thirty (30) feet of vegetation screening is required along the northern side of Virginia Street and the southern side of Poplar Street. Buffers shall be required to separate residential from all other uses.

I. LANDSCAPING

All non-residential uses, including parking lots where a front yard is provided, shall be landscaped. A landscaping plan is required to be submitted in conjunction with the Site Plan Requirements of Article XVI.

J. REQUIREMENTS FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

K. SPECIAL REQUIREMENTS

Rear entrances for businesses will not be allowed along Virginia Street or along Poplar Street.

L. CONVERSION OF USE IN B-4 DISTRICT

In order for property to be converted from residential use to any other permitted use, all area, lot width, setback, yard, supplemental parking, screening, and landscaping requirements of the zoning district must be met.

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In honor of Peace Officers' Memorial Day and National Police Week, Mayor Pelham presented a proclamation to Police Chief Steve Martin.

PROCLAMATION

WHEREAS, the Congress and the President of the United States have designated May 15 as *Peace Officers' Memorial Day*, and the week in which May 15 falls as *National Police Week*; and

WHEREAS, the members of the law enforcement agency of the City of Hopewell play an essential role in safeguarding the rights and freedoms of the City of Hopewell; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the City of Hopewell unceasingly provide a vital public service.

NOW, THEREFORE, I, BRENDA S. PELHAM, MAYOR of the City of Hopewell, call upon all citizens of Hopewell and upon all patriotic, civic and educational organizations to observe the week of

May 9-15, 2010
Police Week

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with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon citizens of Hopewell to observe Saturday, May 15, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have hereunto set my hand and the Seal of the City of Hopewell to be affixed this 11th day of May 2010.

/s/ *Brenda S. Pelham*, Mayor
City of Hopewell, Virginia

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Mayor Pelham presented a proclamation in recognition of May for observance of Senior Citizens, and to recognize the 26th Annual Senior Citizens Hall of Fame Banquet on Saturday, May 15, 2010. Tommy Wells accepted on behalf of the Senior Citizens Advisory Commission.

PROCLAMATION

WHEREAS, the President of the United States has set aside the month of **May** for a special observance of **Senior Citizens**; and, **Senior Citizens**, 60 years of age and older now living in Hopewell number approximately 4,750, many are natives and others have elected to settle here; and

WHEREAS, these citizens contribute to the general welfare of the City of Hopewell, the Commonwealth of Virginia, and the United States of America, and have achieved an honored place in our City by virtue of their position as **seniors** in our community and the concern they show for others in need and the many contributions they make to society; and

WHEREAS, even those who have retired continue to enrich the City by giving of themselves, their talents, creative abilities, and thousands of hours of volunteer services; and

WHEREAS, to honor **Hopewell's Senior Citizens**, the 26th Annual Hall of Fame Banquet, which theme is "**Go Green**" held on Saturday, May 15, 2010, from 5:30-8:30 PM at The John Randolph Foundation.

NOW, THEREFORE, I, **Brenda S. Pelham**, Mayor of the City of Hopewell, Virginia, on behalf of the Hopewell City Council, do proclaim congratulations on the occasion of the

**26th ANNUAL SENIOR CITIZENS
HALL OF FAME BANQUET
Saturday, May 15, 2010**

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 15th day of May 2010.

/s/ *Brenda S. Pelham*, Mayor
City of Hopewell, Virginia

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PROCLAMATION

WHEREAS, on average, 700 people die each year in boating-related accidents in the U. S. Nearly 70% of these are fatalities caused by drowning; the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public;

WHEREAS, The Commonwealth now requires Safety Education for boaters and jet ski operators. Requirements are being phased in by age categories. Classes are given monthly by the U. S. Coast Guard Auxiliary to meet the requirement. This year more than 200 local boaters have been educated.

NOW, THEREFORE, BE IT PROCLAIMED BY MAYOR BRENDA S. PELHAM on behalf of the Hopewell City Council of Hopewell, Virginia, do hereby support the goals of the *North American Safe Boating Campaign* and proclaim May 22-28, 2010, as

National Safe Boating Week

and the start of the year-round effort to promote safe boating.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 11th day of May 2010.

/s/ Brenda S. Pelham, Mayor
City of Hopewell, Virginia

PUBLIC HEARING – SCHOOL BOARD APPOINTMENTS – TO RECEIVE PUBLIC COMMENTS REGARDING NOMINEES OR APPLICANTS TO THE SCHOOL BOARD TO FILL TWO TERMS EXTENDING JULY 1, 2010 THROUGH JUNE 30, 2013

The purpose of the Public Hearing was to receive public comments regarding nominees or applicants to the School Board to fill two terms extending July 1, 2010 through June 30, 2013. Section 22.1-29 of the State Code states that *“No nominee or applicant whose name has not been considered at the public hearing shall be appointed as a school board member.”* Terms of office for School Board members are three years with terms commencing on July 1. Talent Bank resumes were received in the Office of the City Clerk.

The School Board terms of office for Mr. Avon Miles and Mrs. Ann Williams will expire on June 30, 2010. The incumbents have expressed a willingness to serve another term if reappointed. In addition, the following have expressed an interest in being considered for appointment: Charles P. Cartin, Christopher Reber, Janelle Taylor, and Roosevelt Edwards

The public hearing was opened at 7:40 pm.

Ann Williams, 3312 St. Charles Street, Hopewell, asked for Council support for reappointment.

Yolanda Wyche Stokes, 14-A, South Sixth Avenue, Hopewell, asked to reinstate her Talent Bank Resume listing an interest in consideration for the School Board.

Anthony J. Zevgolis, 3003 W. Riverside Avenue, Hopewell, had submitted a Talent Bank Resume, but withdrew his name because he misunderstood the incumbents seeking reappointment. He was on City Council when they were appointed to the School Board and he did not wish to oppose their reappointments.

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Avon Miles, 524 E. Cawson Street, Hopewell, asked for Council support for reappointment.

Roosevelt Edwards, 2206 Granby Street, Hopewell, submitted a Talent Bank Resume with an interest in consideration for the School Board.

There being no other speakers, the public hearing was closed at 7:59 pm.

Mayor Pelham announced that applicants would be notified about interviews. Appointments will be made at the June City Council meeting.

PUBLIC HEARING – TO SET THE TAX RATE

The City of Hopewell proposes to increase property tax levies.

Rate Increase: The City of Hopewell proposes to adopt a tax rate of \$0.99 per 4100 of assessed value. The difference between the current tax rate and the proposed rate would be \$0.03 per \$100, or 3.1 percent. This difference will be known as the “effective tax rate increase.” This proposed tax rate increase will be the first of three proposed tax rate increases (\$0.03 in 2010, \$0.03 in 2012 and \$0.03 in 2014) to be used for debt service on the Hopewell high School renovation costs.

The public hearing was opened at 8:00 PM. There being no speakers, the public hearing was closed at 8:00 PM.

Motion was made by Councilor Emerson, and seconded by Councilor Stokes to approve an ordinance on first reading to set the Tax Rate. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

PUBLIC HEARING – PROPOSED ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HOPEWELL IN THE ESTIMATED MAXIMUM PRINCIPAL AMOUNT OF \$7,500,000

The purpose of the proposed bonds is to finance certain improvements to Hopewell High School through a qualified school construction bond financing program offered by the Virginia Public School Authority (VPSA).

The City Manager provided a brief overview of the High School renovation project, which was approved with Federal Stimulus funding. The City has learned that it is able to include closing costs. Therefore, another public hearing will be scheduled for the proposed issuance of General Obligation School Bonds of the City of Hopewell in the estimated maximum principal amount of \$7,800,000.

The public hearing was opened at 8:01 PM.

Yolanda Stokes, 14-A South Sixth Avenue, Hopewell, expressed an interest in funding for the schools. Council should review all funding options.

There being no other speakers, the public hearing was closed at 8:03 PM.

Motion was made by Councilor Walton, and seconded by Councilor Bailey, to resolve to schedule another public hearing at the Special Meeting and Work Session on May 25, 2010, for the proposed issuance of General

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Obligation School Bonds of the City of Hopewell in the estimated maximum principal amount of \$7,800,000. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

PUBLIC HEARING – ORDINANCE AMENDING HOPEWELL CITY CODE CHAPTER 23, NOISE

Recent challenges to the constitutionality of noise provisions make it necessary for the Hopewell City Code to be changed to ensure that the code can be enforced and will be upheld in court proceedings. City Attorney Lacheney provided an overview. In December 2008 a Noise Ordinance was adopted that was based on decibels. The City does not have a decibel meter; therefore the City has had no enforceable Noise Ordinance. There may be amendments to the ordinance in the future.

Councilor Stokes requested that #8 under Section 23-4. Exemptions. Be deleted from the proposed ordinance.

The public hearing was opened at 8:10 PM.

Regina C. Atkinson (via e-mail): *“Mayor Pelham, Councilor Luman-Bailey, Councilor Emerson, Councilor Walton, Councilor Cuffey, Councilor Harris, and Councilor Stokes:*

My name is Regina C. Atkinson and I writing you to discuss the Hopewell Noise Ordinance up for discussion/adoption at tomorrow night’s City Council meeting. Specifically, the exclusion of church related activities/noise from the noise ordinance up for adoption. I am a resident of 612 Cedar Level Road and my home is approximately 125 feet from Joy Fellowship Church. On numerous occasions (approximately 20 to 25 times, perhaps more, in the last two years) I have had to contact the Hopewell Police Department for assistance in dealing with the excessively loud noise from Joy Fellowship Church. Joy Fellowship is not a brick and mortar structure. It is a dome style structure made of material that closely resembles a parachute. Despite the sheet rocked interior it holds in no noise. As a matter of fact this type of structure helps to carry noise. We have no peace in our homes, not only during services, but whenever they feel like just playing music, which happens quite often.

Before council considers this motion, I beg of you to please take a look at the actual structure and the close proximity of homes around it. To exclude churches (particularly this church) from the noise ordinance is a disservice to the residents that live in the area around it. The residents around this structure have just a much of a right to peace and quiet as any other resident in the City of Hopewell. I plead with you to consider this fact when making your decision.

Due to my personal schedule I may not be in attendance of tomorrow night’s meeting, but any consideration given to my request is greatly appreciated. Feel free to contact me if you wish thru e-mail or you may phone me at (804) 721-9590. I thank you for your time.

Regina C. Atkinson”

Jimmie Earls, 612 Cedar Level Road, Hopewell, was opposed to the Noise Ordinance amendment. He would like for Joy Fellowship Church to be identified as a nuisance. He feels that his life is being destroyed by noise from Joy Fellowship Church. The present “building” is unsuitable and they need a brick and mortar building that does not carry nor amplify sound.

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Jim Lupori, 702 Perrymont, Hopewell, indicated that Section #8 refers to “religious services and events.” He asked for a definition of an event. The police have been called several times due to noise coming from Joy Fellowship Church. He believes in Freedom of Religion, but keep the hours in consideration of the surrounding neighbors. Specific events and hours should be explained.

Charles Lewis, 3803 Kippax Drive, Hopewell, pointed out that Joy Fellowship Church events bother him a lot. An outdoor carnival was held that lasted all night. He believes in Freedom of Religion, but noise should be within reason. He believes that religious services are different from “events.”

There being no other speakers, the public hearing was closed at 8:20 PM.

DISCUSSION: Residential areas should not have this problem coming from any church. Restrictions should be added to the proposed ordinance, limiting residential vs. commercial districts. There was a five year limit on the present structure, and the City should correct the situation. The carnival was a one-time occurrence.

Motion was made by Councilor Stokes, and seconded by Councilor Walton, to delete Section 8 from the Noise Ordinance. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

Motion was made by Councilor Walton, and seconded by Councilor Stokes, to approve an ordinance on first reading, amending Hopewell City Code Chapter 23, Noise, with the exception that #8 under Section 23-4. Exemptions. be deleted from the proposed ordinance. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

COMMUNICATIONS FROM CITIZENS

Maria McKellvey-Hemphill, 304 Allen Avenue, Hopewell, is trying to start a PTO at HHS. A meeting is scheduled for June 15, 2010 at 7:00 PM. She asked that Council please get out the word in each Ward. Anyone can run for PTO office or help out.

There being no further speakers, Communications from Citizens was closed at 8:28 PM.

PRESENTATION – SCHOOL BUDGET PRESENTATION – DR. ODOM

Dr. Odom thanked Vice Mayor Cuffey and Councilor Emerson for their support and for all they have done for the schools over the years. He congratulated Councilor Bailey and Councilor Harris on their re-election to City Council for another term, and he congratulated the Councilors-Elect.

The Hopewell School Board met on May 7, 2010, and approved their FY 2011 School Board Budget. A copy of the detailed School Board Budget showing the revenue and expenditures for each of the four funds was

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presented to City Council. The total requested transfer from city funds to balance the FY 2011 Budget is \$12,985,241.11. That amount reflects an increase of \$389,735.82 for debt service payments.

The School Board requested \$11,500,000 or level funding from FY 2010 for the non-debt service portion of the budget. While that did require the Board to significantly reduce expenditures, the School Board recognized the financial situation of the City and unanimously voted to not seek increased operational funding from the City for FY 2011.

DISCUSSION: High School drop-out rate. Something must be done at the 9th grade level to raise the level of success so that the students feel motivated to continue and to succeed. Block scheduling will be implemented next year. Those students who fall behind will be able to catch up. The length of class time will increase. Dr. Odom and Dr. Daley have been working on acquiring necessary funding to complete further renovations at the high school for a new track, tennis courts, etc. An additional \$600,000 is needed to complete the project, but the tax rate will not go above a total of \$0.09 (\$0.03 in 2010, \$0.03 in 2012 and \$0.03 in 2014) to be used for debt service on the Hopewell High School renovation costs. The School System is making progress with the pregnancy initiative. A meeting is scheduled for May 19, 2010, and Councilors are invited to attend.

WAIVE COUNCIL RULES

Motion was made by Councilor Emerson, and seconded by Councilor Bailey, to Waive Council's Rules and Procedures to consider authorizing the City Manager to sign the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program-Employer Adoption; and to pass an ordinance to acquire and maintain several easements for the construction and maintenance of a sewer line for industrial and/or sanitary sewer proceeding to the City's relocated and expanded primary sewage treatment plant. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

COMMONWEALTH OF VIRGINIA VOLUNTARY GROUP LONG TERM CARE INSURANCE PROGRAM-EMPLOYER ADOPTION AGREEMENT

The City Manager explained that the State is offering Long Term Care to employees, which is available until May 21, 2010, at no cost to the City.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Emerson, to resolve to authorize the City Manager to sign the Commonwealth of Virginia Voluntary group Long Term Care Insurance Program – Employer Adoption Agreement. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

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ORDINANCE – EASEMENTS FOR CONSTRUCTION & MAINTENANCE OF SEWER LINE FOR INDUSTRIAL AND/OR SANITARY SEWER PROCEEDING TO THE CITY’S RELOCATED AND EXPANDED PRIMARY SEWAGE TREATMENT PLANT

Motion was made by Councilor Stokes, and seconded by Councilor Walton, to adopt an ordinance, on one and only reading, to acquire and maintain several easements for the construction and maintenance of a sewer line for industrial and/or sanitary sewer proceeding to the City’s relocated and expanded primary sewage treatment plant. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

ORDINANCE NO. 2010 - 17

An Ordinance authorizing City Council to acquire and receive on behalf of the Citizens of the City of Hopewell, easements across property on and around State Route 10 and Hummel Ross Road for the construction and maintenance of a sewer line for industrial and/or sanitary waste.

WHEREAS, THE CITY OF HOPEWELL approved an ordinance on November 17, 2009 authorizing the issuance of Sewer System Revenue Bonds of the City of Hopewell, Virginia, in the Maximum Principal Amount of \$30,000,000 for the financing of and relocation and expansion of the City’s primary sewage treatment plant; and

WHEREAS, THE CITY OF HOPEWELL must acquire and maintain several easements from property owners on and around State Route 10 and Hummel Ross Road for the construction and maintenance of the sewer line for industrial and/or sanitary sewer proceeding to the City’s relocated and expanded primary sewage treatment plant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the easements across properties on and around State Route 10 and Hummel Ross Road, for the construction and maintenance of the sewer line for industrial and/or sanitary sewer proceeding to the city’s relocated and expanded primary sewage treatment plant, be received and accepted on behalf of the Citizens of the City of Hopewell by the Council of the City of Hopewell by written Deed(s) duly executed by all proper and necessary parties after review and approval thereof by the City Attorney. The City Attorney, upon receipt thereof, is hereby authorized and instructed to record said Deed(s) with the Clerk of the Court.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that this ordinance shall be adopted on one and only reading and shall take effect immediately as an emergency measure.

REGULAR BUSINESS – CITY BUDGET PRESENTATION FY2010-2011

Dr. Daley presented the FY 2010-2011 City Budget to City Council (copy filed in the City Clerk’s Office).

REGULAR BUSINESS – ORDINANCE TO AMEND THE REAL ESTATE TAX ABATEMENT FOR REHABILITATED, RENOVATED, OR REPLACEMENT STRUCTURES

Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia provide the City the authority to, “by ordinance, provide for the partial exemption from taxation of real estate on which any structure or other improvement no less than fifteen years of age has undergone substantial

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rehabilitation, renovation or replacement for residential use, subject to such conditions as the ordinance may prescribe.” The ordinance under consideration would re-enact the City’s Tax Abatement program providing an abatement of real estate taxes for a period of five (5) to ten (10) years for the rehabilitation, renovation, or replacement of certain structures located in the Enterprise Zone, Downtown, the Revitalization Zone, and Citywide. The ordinance will amend and re-enact Article XI of Chapter 34 of the Code of the City of Hopewell to provide that the maximum amount for the partial exemption from real estate taxation be equal to the increase in real estate assessment resulting from the rehabilitation, renovation or replacement of the structure. Currently the maximum amount eligible for the partial exemption from real estate taxation is capped.

Motion was made by Councilor Bailey, and seconded by Vice Mayor Cuffey, to approve Ordinance No. 2010-12 on second and final reading. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

Ordinance No. 2010 – 12

An Ordinance amending and re-enacting Article XI, Tax Abatement for Rehabilitated/Renovated Structures or Replacement Structures, of Chapter 34, Taxation, of the Code of the City of Hopewell, Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article XI Tax Abatement for Rehabilitated/Renovated or Replacement Structures, of Chapter 34, Taxation, of the Code of the City of Hopewell, be and hereby is, amended and re-enacted as follows:

BY AMENDING:

ARTICLE XI.

TAX ABATEMENT FOR REHABILITATED/RENOVATED OR REPLACEMENT STRUCTURES

Sec. 34-176. Partial exemption from real estate taxation for certain rehabilitated/renovated single-family residential structures.

- (a) *Exemption authorized.* Partial exemption from real estate taxes is provided for qualifying single-family residential property rehabilitated/renovated in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.
- (b) *When deemed rehabilitated/renovated.* For the purposes of this section, single-family residential real estate shall be deemed to be substantially

rehabilitated/renovated when such a structure on the real estate, which is no less than twenty-five (25) years old, has been so improved as to increase the base value of the structure by no less than twenty-five (25) percent, but without increasing the total square footage of such structure by more than fifty (50) percent.

- (c) *Amount of exemption.* The amount of the partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the rehabilitation, renovation of a single-family residential property.
- (d) *Length of exemption.* Exemption from taxation of real property qualifying for the residential rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the five (5) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation or renovation, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

City-wide Residential	
Year	Percent Value Exempt
1	100%
2	80%
3	60%
4	40%
5	20%

- (e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-177. Partial exemption from real estate taxation for certain rehabilitated/renovated multi-family residential structures.

- (a) *Exemption authorized.* Partial exemption from real estate taxes is provided for qualifying multi-family residential property rehabilitated/renovated in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.
- (b) *When deemed rehabilitated/renovated.* For the purposes of this section, multi-family residential real estate shall be deemed substantially rehabilitated/renovated when such a structure on the real estate, which is no less than twenty-five (25)

years old, has been improved as to increase the base value of the structure by no less than forty (40) percent, but without increasing the square footage of such structure of more than fifty (50) percent.

- (c) *Amount of exemption.* The amount of the partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the rehabilitation, renovation of a multi-family residential property.
- (d) *Prohibition against converting single-family residential structure to multi-family residential structure.* No exemption may be used to convert a single-family residential structure to a multi-family residential structure.
- (e) *Length of exemption.* Exemption from taxation of real property qualifying for the residential rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the five (5) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation or renovation, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Multi-family	
Year	Percent Value Exempt
1	100%
2	80%
3	60%
4	40%
5	20%

- (f) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-177.1. Partial exemption from taxation for certain rehabilitated, renovated or replacement multi-family residential structures located in the Enterprise Zone.

- (a) *Exemption authorized.* Partial exemption from real estate taxes is provided for qualifying residential property or the adaptive reuse of a property for residential use located in the Enterprise Zone which is rehabilitated, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

- (b) *When deemed rehabilitated, renovated or replaced.* For the purposes of this section, residential real estate in the Enterprise Zone shall be deemed substantially rehabilitated, renovated or replaced when such a structure on the real estate, which is no less than twenty-five (25) years old, has been so improved as to increase the base value of the structure by no less than fifty (50) percent, but without increasing the total square footage of such structure by more than fifty (50) percent. The replacement of a structure must increase the base value of the structure by no less than one hundred percent (100%) in order to be eligible for the exemption.
- (c) *Amount of exemption.* The amount of partial exemption provided for in this section shall be equal to the increase in assessed value per the rehabilitation, renovation or replacement of a multi-family residential real estate structures within the Enterprise Zone.
- (d) *Length of exemption.* Exemption from taxation of real property qualifying for the residential rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the ten (10) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation, renovation, or replacement, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Multi-family in the Enterprise Zone	
Year	Percent Value Exempt
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

- (e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-178. Partial exemption from taxation for certain rehabilitated, renovated or replacement commercial/mixed use structures located in the Enterprise Zone or Revitalization Zone.

- (a) *Exemption authorized.* Partial exemption from real estate taxes is provided for qualifying commercial/mixed use property located in the Enterprise/Revitalization Zone which is rehabilitated, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3221 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.
- (b) *When deemed rehabilitated, renovated or replaced.* For the purposes of this section, commercial/mixed use real estate in the Enterprise/Revitalization Zone shall be deemed substantially rehabilitated, renovated or replaced when such a structure on the real estate, which is no less than twenty-five (25) years old, has been so improved as to increase the base value of the structure by no less than fifty (50) percent, but without increasing the total square footage of such structure by more than fifty percent (50%). The replacement of a structure must increase the base value of the structure by no less than one hundred percent (100%) in order to be eligible for the exemption.
- (c) *Amount of exemption.* The amount of partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the renovation, rehabilitation or replacement of a commercial/mixed use structures within the Enterprise/Revitalization Zone.
- (d) *Length of exemption.* Exemption from taxation of real property qualifying for the commercial or mixed use rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the ten (10) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation, renovation, or replacement, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Commercial/Mixed Use in Enterprise/Revitalization Zone	
Year	Percent Value Exempt
1	100%
2	90%
3	80%
4	70%

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5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

- (e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-178.1. Partial exemption from taxation for certain rehabilitation or renovation of the façade of commercial/mixed use structures located in the Downtown Façade Enhancement Area.

- (a) *Exemption authorized.* Partial exemption from real estate taxes is provided for qualifying commercial/mixed use property located in the Downtown Façade Enhancement Area, which is rehabilitated or renovated in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3221 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.
- (b) *When deemed rehabilitated/renovated.* For the purposes of this section, commercial/mixed use real estate in the Downtown Façade Enhancement Area shall be deemed substantially rehabilitated or renovated when such a structure on the real estate, which is no less than twenty-five (25) years old, and has been approved to participate in the City's Downtown Façade Improvement Program.
- (c) *Amount of exemption.* The amount of partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the façade enhancement.
- (d) *Length of exemption.* Exemption from taxation of real property qualifying for the commercial or mixed use rehabilitation or renovation exemption shall run with the land and for the benefit of any owner of such property during each of the ten (10) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation or renovation of the building facade, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Downtown Façade Enhancement Area	
Year	Percent Value Exempt
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

- (e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-179. Partial exemption from taxation for certain rehabilitated, renovated or replacement hotel or motel structures located in the Enterprise Zone.

- (a) *Exemption authorized.* Partial exemption from real estate taxes is provided for qualifying hotel or motel property located within a designated enterprise zone which is rehabilitated, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3221 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.
- (b) *When deemed rehabilitated/renovated or replacement.* For the purposes of this section, hotel or motel real estate located in a designated enterprise zone shall be deemed substantially rehabilitated, renovated or replaced when such structure on the real estate, which is no less than thirty-five (35) years old, has been so improved as to increase the base value of the real estate by no less than five million dollars (\$5,000,000.00).
- (c) *Amount of exemption.* The amount of partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the rehabilitation, renovation or replacement of hotel or motel structures within the enterprise zone.
- (d) *Length of exemption.* Exemption from taxation of real property qualifying for the hotel or motel rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the five

(5) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation, renovation, or replacement, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Hotel/Motel in Enterprise Zone	
Year	Percent Value Exempt
1	100%
2	80%
3	60%
4	40%
5	20%

- (e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-180. Procedures for qualifying; general provisions.

- (a) *Procedures.* As a requisite for qualifying for partial tax exemption for the rehabilitation, renovation, or replacement of a structure, the owner of the real property upon which the structure is located shall simultaneously with making application for a building permit to construct, rehabilitate, or renovate such structure, file with the real estate assessor, an application to qualify such structure for partial exemption from taxation. Upon receipt of an application for tax exemption, the real estate assessor shall determine the then assessed value of the structure prior to commencement of new construction, rehabilitation or, renovation, which shall serve as the base value for determining whether the new construction or the rehabilitation/renovation increases the assessed value of such structure by the minimum amount as provided in this article. The application to qualify for tax exemption shall be effective until December 31 of the second calendar year following the year in which the application is submitted. If by such expiration date, the new construction, rehabilitation or renovation has not progressed to such a point that the assessed value of the real estate is at least said minimum percentage greater than the base value of such structure, the approved application becomes null and void and no exemption shall be allowed. A new application to qualify for tax exemption may be filed, accompanied by a payment of an additional fee and the establishment of a new base value. The initial application to qualify for the rehabilitated, renovated or replacement real estate structure tax exemption, and any subsequent application, must be accompanied by payment of a nonrefundable fee in the sum of one hundred twenty-five (\$125.00), which fee shall be applied to offset

the cost of processing such application, making required assessments, and making inspections to determine the progress of the work. During the period between the receipt of the application and the time at which the assessor shall ascertain that the real estate has increased in value by at least the minimum percentage, the real estate assessor shall, prior to December 31, make annual inspections of the progress of the rehabilitation, renovation or replacement undertaken, and the owner of the property shall be subject to taxation upon the full value of the improvements to the property. An owner may, at any time prior to November 1 of any calendar year in which rehabilitation, renovation or replacement of a structure is complete, submit a written request to the assessor to inspect the structure to determine if it then qualifies for the rehabilitated, renovated, or replacement property exemption. When it is determined that at least the minimum percentage increase in assessed value (base value is exceeded by the applicable percentage or more) has occurred within the qualifying period, the tax exemption shall become effective beginning on January 1 of the next calendar year.

- (b) *Credit.* The owner of property qualifying for partial exemption of real estate taxes because of rehabilitation, renovation or replacement of a structure shall be issued a bill annually in the amount of the actual taxes based on assessed value reduced by the rehabilitated, renovated or replacement exemption credit allowed. The exemption credit shall be the difference in taxes computed upon the base value, and the taxes that are computed on the initial value of the rehabilitated, renovated, or replacement structure once it qualifies for the exemption. An increase in assessment occurring after the first year of such rehabilitated, renovated or replacement structure shall not qualify for an increase in such exemption. No portion of any credit (partial exemption) shall be allowed in any year for any real estate when such portion of a credit would reduce the tax below what it would be for the base value of the real estate. No portion of any unused or unavailable credit may be used in any subsequent year.
- (c) *Exemption runs with land.* Exemption from taxation of real property qualifying for the rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the years of exemption as defined in the appropriate table.
- (d) *Improvements on vacant land.* No improvements made upon vacant land defined in the Zoning Ordinance for single or multi-family purpose use shall be eligible for partial exemption from real estate taxation.
- (e) New detached real estate shall not qualify for exemption.
- (f) *Methods of determining base value.* In determining the base value of a structure and if the rehabilitation, renovation, or replacement results in the necessary minimum increase over such base value, the assessor shall employ usual and customary methods of assessing real estate.
- (g) No property which is already subject to any tax abatement shall be eligible for further abatement under this article.
- (h) No property rehabilitated or renovated utilizing any public grant funds shall be eligible for abatement under this article.

- (i) Only property listed as a permissible use, as of the application date, in the zoning ordinance in the district it occupies shall be eligible for abatement under this article.

Sec. 34-181. Real property tax payment prerequisite to exemption.

In order to qualify for any partial exemption under this article, neither the real property which is the subject of the exemption application, nor the owner of said property, may be delinquent in any then due real property tax payments.

Sec. 34-182. Failure to pay nonexempt real estate taxes; penalty on exempt taxes; forfeiture of exemption.

Whenever the owner of real property which has qualified for partial exemption from real estate taxation under this article shall fail to timely pay the non-exempted amount of real estate taxes on the property of any tax year, the partial exemption from real property taxation shall be forfeited for the remainder of the exemption period and late penalty shall be added for that tax year of ten (10) percent of the real estate taxes which were claimed for exemption. However, if the failure to pay the real estate tax was not in any way the fault of the taxpayer, the treasurer may waive any penalty and interest and the assessor may reinstate any tax credit.

The partial exemption from real property taxation provided for in this article shall also be forfeited if a single-family residential structure afforded a partial exemption is used for, or converted into, a multi-family residential structure.

Sec. 34-183. Assessor; rehabilitated, renovated or replacement real estate; special coding in computer master file; application forms; rules and regulations.

- (a) Nothing in this article shall be construed as to permit the assessor to list upon the land book any reduced value due to the exemption provided.
- (b) When the tax exemption becomes effective, the property shall be so coded and identified by the assessor in the computer master file for the term of the exemption period. The bill previously referred to in the "credit" section of this article will be prepared based on this Code as will all other necessary administrative procedures, reports and analysis.
- (c) The real estate assessor shall cause to be prepared and shall have for distribution in the real estate assessor's office, in the office of the building code official, and in the department of development, forms for use by property owners who propose to construct/rehabilitate/renovate or replace residential or qualifying commercial structures. Application forms shall be completed in duplicate and shall be delivered by the owner to the real estate assessor at the same time that the owner applies for a building permit to undertake such rehabilitation, renovation or replacement real estate improvement, at which time the base value of the real property will be determined.

- (d) The real estate assessor may prescribe such rules and regulations as deemed requisite for processing applications for exemption for rehabilitated, renovated or replacement property and exempting same and a copy of any such rules and regulations shall be available in the office of the real estate assessor, the building code official, and the department of development, as well as in the office of the city clerk.

Sec. 34-184. Effective date for tax abatement program rehabilitated, renovated or replacement real estate.

This ordinance shall be effective January 31, 2010 and shall be applied to all qualifying applications for the tax year 2010 and all subsequent tax years. Any construction and/or renovation project which was begun in 2009 and which will be completed in 2010 will be eligible for this tax abatement program as if the project had been started under the program, so long as the real estate assessor is able to make an accurate determination of the assessed value of the structure prior to commencement of the new construction, rehabilitation or, renovation, which can serve as the base value pursuant to §34-180. Any person or entity desiring to include a project begun in 2009 must file the application described in §34-180.

REGULAR BUSINESS – ADOPT THE “STREET NAMING GUIDELINES”

In October 2008, a citizen requested that City Council rename a street within the City. Upon review, it was determined that street re-naming procedures were not addressed in the City Code nor were any procedures/guidelines in place. In October 2009, City Council formed a committee to assist staff with developing procedures and a guideline process for renaming streets within the City. The committee and staff met on several occasions to discuss, develop and review the proposed street renaming procedures. Staff derived information from other localities and coupled it with comments/suggestions from the committee to create a draft street re-naming policy.

Motion was made by Councilor Stokes, and seconded by Vice Mayor Cuffey, to resolve to adopt the “Street Naming Guidelines.” (Copy filed in the City Clerk’s Office.) Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

REGULAR BUSINESS – 2009 CENTRAL VIRGINIA URBAN SECURITY INITIATIVE (UASI) GRANT – DEPARTMENT OF HOMELAND SECURITY (HOPEWELL BUREAU OF FIRE)

The Hopewell Bureau of Fire was awarded a grant from central Virginia UASI to increase chemical, biological, radiological, nuclear, and explosive through approved equipment purchase. The UASI Grant was created to provide funding directly to localities in order to help increase their capability of hazardous material responses through the purchase of approved equipment.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Stokes, to authorize the City Manager to accept the UASI grant in the amount of \$80,423. Upon the roll call, the vote resulted:

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Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

REGULAR BUSINESS – PROPOSED VAWCO RATE INCREASE

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Walton, to authorize City Staff to file objections to the proposed VAWCO Rate Increase and authorize staff to use Technical Assistance as necessary. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

REGULAR BUSINESS – MAY 25, 2010 – SPECIAL MEETING & WORK SESSION – PRELIMINARY AGENDA

SPECIAL MEETING:

- Joint Public Hearing with the Planning Commission – Proposed Zoning Ordinance Amendment – Article XVIII-F, Signage

WORK SESSION:

- Public Hearing – School Bonds \$7.8M
- Public Hearing – School Budget
- Public Hearing – City Budget
- Public Hearing – CDBG Budget
- Work Session - Budget

Motion was made by Councilor Stokes, and seconded by Councilor Bailey, to resolve to approve the preliminary agenda for the Special Meeting and Work Session to be held on May 25, 2010. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

REGULAR BUSINESS – CITY ATTORNEY – ORDINANCE AMENDING ORDINANCE 90-16, HOPEWELL CITY CODE CHAPTER 2, ARTICLE I, TO ADD SECTION 2-13, “ASSESSMENT FOR COURTHOUSE CONSTRUCTION, RENOVATION, OR MAINTENANCE AS PART OF FEES INCIDENT TO CRIMINAL OR TRAFFIC CASES

In 1990, City Council passed Ordinance No. 90-16 to assess fees against defendants in criminal and traffic cases in the general District and Circuit Courts of the City of Hopewell. This ordinance intended for those fees to become a new section in the City Code; however, the section was never added to the City Code. There have been new sections added to the City Code since the passage of this ordinance necessitating renumbering this new section

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2-13. The ordinance allows for continued collection of fees in criminal and traffic cases for construction, renovation, or maintenance of the city's courthouse and court-related facilities.

Motion was made by Councilor Stokes, and seconded by Vice Mayor Cuffey, to adopt Ordinance No. 2010-14 on one and only reading, dispensing with a second reading and becoming effective immediately upon passage. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

ORDINANCE NO. 2010-14

AN ORDINANCE TO AMEND ORDINANCE 90-16, WHICH AMENDED CHAPTER 2, ARTICLE I, OF 1981 CODE OF THE CITY OF HOPEWELL, AS AMENDED, ADDING A SECTION TO SAID CHAPTER AND ARTICLE, SUCH SECTION ENTITLED "ASSESSMENT FOR COURTHOUSE CONSTRUCTION, RENOVATION, OR MAINTENANCE AS PART OF FEES INCIDENT TO CRIMINAL OR TRAFFIC CASES."

BE IT ORDAINED that the City Council of the City of Hopewell hereby amends Chapter 2, Article I, of the 1981 Code of the City of Hopewell, as heretofore amended, by adding Section 2-13 to said Chapter and Article.

Sec. 2-13. Assessment for Courthouse Construction, Renovation, or Maintenance as Part of Fees Incident to Criminal or Traffic Cases.

Pursuant to the provisions of Section 17.1-281 of the Code of Virginia, and subject to the conditions and limitations thereof, there is hereby imposed an assessment, as part of the fees taxed as costs against each defendant in each criminal and traffic case in the General District and Circuit Courts of the City of Hopewell, the sum of two dollars (\$2.00). The assessment provided for herein shall be in addition to any other fees prescribed by law.

This assessment shall be collected by the Clerk of the Court in which the action is filed, and remitted to the City Treasurer and held by the Treasurer subject to disbursements by the City Council for construction, renovation, or maintenance of any city courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance of such facilities.

An attested copy of this section shall be sent to the clerks of the Hopewell District and Circuit Courts by the clerk of the city.

REGULAR BUSINESS – APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Councilor Bailey, and seconded by Councilor Emerson to appoint **Isabel Vartanian** to the **Crater District Health Advisory Board** for a three-year term extending to **June 30, 2013**; to appoint **Nancy Laskey** to the **Neighborhood Watch Advisory Council, Ward #1**, to fill an unexpired term extending through **October 31, 2012**; and to appoint **Dave Andrews** to the **HRWTF Commission** to fill an unexpired term extending through **October 31, 2011**. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes

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Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

REPORTS OF CITY COUNCIL MEMBERS

Councilor Emerson expressed his disappointment at not being re-elected to serve another term representing Ward #3 on City Council. He congratulated the winner, Michael Bujakowski. He voiced his appreciation of the support that he has received while on City Council.

Councilor Bailey announced the National Park Service concerts; Weston Manor concerts in May and June from 4:00-5:00 PM; the Downtown Partnership Seminar; and the summer movie series. The Senior Citizens Hall of Fame Banquet is on May 15, 5:30-8:30 PM; Seminar on May 19, 4:30 PM at the Butterworth Building. They have received their Certificate of Occupancy and after the seminar they will conduct tours of the building, in coordination with the Hopewell Downtown Partnership, the architects, and the Department of Development. The seminar will be beneficial to businesses in the area.

Vice Mayor Cuffey thanked everyone for their support during the election. He congratulated Jackie Shornak on her victory in the Ward #7 election. He has enjoyed serving the community.

Mayor Pelham announced that she had attended the Hopewell Police Department's Awards Ceremony today, and she also attended the Awards Ceremony for the Hopewell Bureau of Fire last Wednesday. She recognized the service provided by the personnel in those departments. The P. A. L. Golf Tournament will be held on Friday, May 14 at Jordan Point Country Club, as a fund raiser. Saturday is Armed Forces Day at Ft. Lee. Also on Saturday is the Ground Zero Wrestling. Mayor Pelham thanked Jo Turk for taking over the Heritage Gardens. She announced that on Saturday, May 8, HHS had a safe prom, and there was the March Against Crime.

ADJOURN

At 9:37 PM **motion** was made by Councilor Walton, and seconded by Councilor Stokes to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

Brenda S. Pelham
Mayor

Ann M. Romano, City Clerk